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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,990	06/27/2000	Mitsuaki Ishitoya	0250-806	4932
22204	7590	03/26/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			BURLESON, MICHAEL L	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/603,990

Applicant(s)

ISHITOYA ET AL.

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 06/27/2000 was filed. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. US 5513007.
5. Regarding claim 1, Ito et al. teaches that based on image data of RGB, a brightness signal generation unit (110) generates the image data, namely black-and-white image data, in order to obtain monochromatic print from the image of the color original (column 3, lines 66-67 and column 4, lines 1-3), which reads on converting color image information to black-and-white image information and obtaining a black-and-white

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printout, based on the converted black-and-white image information. Ito et al. teaches of a brightness density conversion unit (110), in which the brightness signal is obtained based on the input image data of RGB (column 4, lines 4-7), which reads on at least either brightness or saturation is independently controlled for each desirable hue, based on a color image signal carrying said color image information. Ito et al. teaches that the brightness signal generation unit (110) generates the brightness signal, based on image data of RGB. The image data is generated over the entire wavelength range of color synthesis, namely black-and-white image data, in order to obtain monochromatic print from the image of the color original (column 4, lines 1-5), which reads on the controlled color image signal is converted to a black-and-white image signal carrying said black-and-white image information and said black-and-white printout is obtained based on the converted black-and-white image signal.

6. Regarding claim 2, Ito et al. teaches that the color image data is R,G,B (column 3, line 66). He also teaches that it is known that color space can be represented by saturation, luminosity and hue, which makes it necessary to convert the input RGB data into two-dimensional data. (column 4, lines 33-36) This conversion takes place in the hue detection unit (123) (column 4, lines 58-67), which reads on color image signal is an image signal represented in any color space among an LHC color space, an "Lab" color space, and an "Luv" color space.

7. Regarding claim 3, Ito et al. teaches that based on image data of RGB, a brightness signal generation unit (110) generates the image data, namely black-and-

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white image data, in order to obtain monochromatic print from the image of the color original (column 3, lines 66-67 and column 4, lines 1-3), which reads on conversion means which converts color image information to black-and-white image information. Ito et al. teaches that the brightness signal generation unit (102c) supplies the printer (103) (column 7, lines 2-5), which reads on printing means, which obtains a black-and-white printout, based on the converted black-and-white image information. Ito et al. teaches of a CPU unit (104) that controls the image reading unit, image processing unit and the printer. (column 3, lines 60-63) He teaches that the image processing unit comprises of shading correction circuit, data processing unit and brightness-density converting unit (column 3, lines 49-55). This reads on control means which independently controls at least either brightness or saturation for each desirable hue, based on a color image signal carrying said color image information, wherein said conversion means converts the color image signal, in which said brightness and/or saturation have been controlled, to a black-and-white image signal carrying said black-and-white image information, and said printing means obtains said black-and-white printout, based on the converted black-and-white image signal.

8. Regarding claim 4, Ito et al. teaches that hue detection unit (123), which is in the data processing unit, which is controlled by the CPU (column 3, line 52). He teaches that it is known that color space can be represented by saturation, luminosity and hue, which makes it necessary to convert the input RGB data into two-dimensional data. (column 4, lines 33-36) This conversion takes place in the hue detection unit (123) (column 4, lines 58-67), which reads on color image signal is an image signal

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represented in any color space among an LHC color space, an "Lab" color space, and an "Luv" color space. This reads on control means uses an image signal, represented in any color space among an LHC color space, an "Lab" color space, and an "Luv" color space, as said color image signal.

***Conclusion***

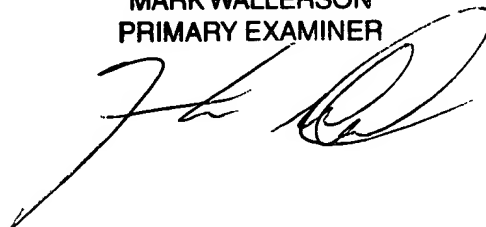
1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

Michael Burleson  
Patent Examiner  
Art Unit 2626

*MB*

Mlb  
March 21, 2004

MARK WALLERSON  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Mark Wallerson', written over the printed name and title.